

Notes Concerning Other Adversary Documents

How to File An Amended Complaint, Answer, Counterclaim, Cross-claim, Third-Party Complaint and Amended Answer, Amended Complaint or Amended Notice of Removal.

Amended Complaint

To file an amended complaint, simply select the Event “Amended Complaint” in the Category “Complaint and Summons”, enter the correct case number, and file in the same way you would file any other document in the ECF System.

Amended Notice of Removal

To file an amended Notice of Removal, select the Event “Notice of Removal” under the Category “Complaint and Summons” and proceed as you normally would, making certain that you select “Amended” in the pre-text box when the Modify Docket Text screen appears.

Answer

To file an answer to a complaint, cross-claim or third-party complaint or a reply to a counterclaim, select the Category “Answers/Responses” and the Sub-Category “Complaint, 3rd, cross, counter.” Add the attorney or attorneys to the list of attorneys (*or select the attorney if already on the list*).

On the next screen select the party defendant.

On the next screen, the user will be presented with a list of all unanswered complaints, third-party complaints, cross-claims, counterclaims and/or amendments to those types of pleadings. Select the pleading or pleadings to which the answer to be filed responds and ONLY such pleading or pleadings, by clicking on the check box beside each relevant pleading. Click the **Next** button to continue.

Counterclaim, Cross-Claim or Third-Party Complaint

If the answer is to the originally filed complaint, or is an answer to a cross-claim or third-party complaint or a reply to a counterclaim filed separately from an answer, the user will be asked whether the answer contains a counterclaim, cross-claim and/or third-party complaint.

If so, check the appropriate box or boxes by clicking on them. This will then queue

the answer Event when the cross-defendant, third-party defendant or plaintiff files an answer to the cross-claim, etc. contained in the answer being filed.

When a user files a counterclaim, cross-claim, third-party complaint or intervenor's complaint, the program prompts the user to identify the party or parties against which the pleading is being filed. Be careful, especially if more than one box is selected. The parties against may be different for each type of pleading filed.

The best practice is to select by party rather than by group, so leave the radio button checked on "No Group." If a party against which the pleading is being filed is not on the list of parties to the proceeding, click the "Add/Create New Party" link and complete the party information *being careful to designate the party role*. Once all of the parties the pleading is filed against appear in the box, click on each of them holding down the control button if you are selecting more than one.

Counterclaims, cross-claims and third-party complaints may be filed as part of the initial answer to an initial complaint, including an initial intervenor's complaint, or to a cross-claim or third-party complaint filed separately from an answer. These types of pleadings may NOT be filed as part of an amended answer or as part of an initial answer to an amended complaint. Consequently, it is necessary in those situations to have two documents: (1) the answer to the amended complaint or amended answer as one document and (2) the counterclaim, cross-claim or third-party complaint, which will be filed as a separate document under the appropriate Event in the Category Complaint and Summons.

Amended Answer

The ECF program is designed to keep track of all answers being filed. Consequently, the program will permit only one answer per defendant (or plaintiff as to a counterclaim) to be matched to the complaint. Once a complaint or similar document has been answered by a party, a user attempting to file another answer for the same party will be told that "No unanswered docket entries exist for the party on whose behalf you are filing." Hence, it was necessary to set up a separate Event called Amended Answer, which is found in the Category "Answers, Responses" and in the Sub-Category "Motions/Applications/Amended Answer to Complaint."

To file an amended answer or reply to a counterclaim, select those Categories and then proceed as you normally would, selecting the Event "Amended Answer" from the pull-down list of Events.